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**TRANSMITTAL
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Application Number	10/774,968		
	Filing Date	February 9, 2004	
	First Named Inventor	Nina L. Walters	
	Art Unit	1615	
	Examiner Name	Mercier, Melissa S.	
Total Number of Pages in This Submission		Attorney Docket Number	Walters 1

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Harness, Dickey & Pierce, P.L.C.		
Signature			
Printed name	Michael D. Wiggins		
Date	January 5, 2009	Reg. No.	34,754

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EM 184 989 553 US

FEE TRANSMITTAL for FY 2009

Effective 2/8/2006. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 270

Complete if Known

Application Number 10/774,968
Filing Date February 9, 2004
First Named Inventor Nina L. Walters
Examiner Name Mercier, Melissa S.
Art Unit 1615
Attorney Docket No. Walters 1

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, P.L.C.

The Director is authorized to: (check all that apply)

☒ Charge any underpayment of fee(s) ☒ Credit any overpayments
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	330	2011	165	Utility filing fee	
1012	220	2012	110	Design filing fee	
1013	220	2013	110	Plant filing fee	
1014	330	2014	165	Reissue filing fee	
1005	220	2005	110	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		** =	0	X		=	0
Independent Claims		** =	0	X		=	0
Multiple Dependent						=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	52	2202	26	Claims in excess of 20	
1201	220	2201	110	Independent claims in excess of 3	
1203	390	2203	195	Multiple dependent claim, if not paid	
1204	220	2204	110	** Reissue independent claims over original patent	
1205	52	2205	26	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	130	2251	65	Extension for reply within first month	
1252	490	2252	245	Extension for reply within second month	
1253	1,110	2253	555	Extension for reply within third month	
1254	1,730	2254	865	Extension for reply within fourth month	
1255	2,350	2255	1,175	Extension for reply within fifth month	
1401	540	2401	270	Notice of Appeal	270
1402	540	2402	270	Filing a brief in support of an appeal	
1403	1,080	2403	540	Request for oral hearing	
1452	540	2452	270	Petition to revive - unavoidable	
1453	1,620	2453	810	Petition to revive - unintentional	
1462	400	1462	400	Petition fee under 37 CFR 1.17(f)	
1463	200	1463	200	Petition fee under 37 CFR 1.17(g)	
1464	130	1464	130	Petition fee under 37 CFR 1.17(h)	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	810	2809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	810	2801	405	Request for Continued Examination (RCE)	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$270)

4. SEARCH/EXAMINATION FEES

1111	540	2111	270	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	330	2113	165	Plant Search Fee	
1114	540	2114	270	Reissue Search Fee	
1311	220	2311	110	Utility Examination Fee	
1312	140	2312	70	Design Examination Fee	
1313	170	2313	85	Plant Examination Fee	
1314	650	2314	325	Reissue Examination Fee	
SUBTOTAL (4)					(\$0)

SUBMITTED BY

Name (Print/Type) Michael D. Wiggins Registration No. (Attorney/Agent) 34,754 Telephone 248-641-1600
Signature [Signature] Date January 5, 2009

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Walters1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appeal No. _____

Application No.: 10/774,968
Filing Date: February 9, 2004
Appellants: Walters et al.
Conf. No.: 8770
Group Art Unit: 1615
Examiner: Mercier, Melissa S.
Title: LOTION APPLICATOR

BRIEF ON APPEAL ON BEHALF OF APPELLANTS

Mail Stop Appeal Brief-Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 5, 2009

Sir or Madam:

This appeal is from the decision of the Patent Examiner dated August 7, 2008, rejecting claims 1-13, which are reproduced in Appendix A of this Appeal Brief.

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BRIEF ON APPEAL ON BEHALF OF APPELLANTS

In support of the Notice of Appeal filed November 4, 2008, Appellants hereby provides the following remarks.

I. REAL PARTY IN INTEREST

The present application is unassigned and therefore the inventors are the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

The undersigned and the Appellants do not know of any appeals or interferences which would directly affect or that would be directly affected by, or have a bearing on, the Board's decision in this Appeal.

III. STATUS OF THE CLAIMS

Claims 1-13 are reproduced in the attached Appendix A and are the claims on Appeal. Each of these claims is currently pending in the application.

IV. STATUS OF THE AMENDMENTS

There are no pending amendments filed subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Oftentimes, a consumer needs to apply lotion on his or her body. For example, a sunbather applies lotion such as sunscreen and/or moisturizer to his or her body while sunbathing. It may be difficult for the sunbather to apply the lotion to certain portions of his or her body without help. For example, most people have a difficult time reaching

their upper, lower and/or mid-back region. Other sunbathers may have problems reaching their feet and/or lower legs. Elderly people may have difficulty reaching additional areas of their bodies.

The failure to apply lotion to all of the exposed portions of the sunbather's body may lead to sunburn. When the sunbather returns home, he or she may also need to apply sunburn lotion or other skin care products such as moisturizer. It may be difficult for the sunbather to apply the sunburn lotion to the sunburned areas to obtain relief.

There are a wide variety of other topical lotions that may be difficult to apply properly without assistance. Other exemplary topical lotions may include (but are not limited to) bug spray, sunburn lotion, dry skin lotion, sunscreen, tanning lotion, pain relieving lotion, muscle relaxing lotion, acne medication, anti-itch lotion, self-tanning lotion, hair removal lotion, body hair bleaching agents, perfume, and topical medications.

Lotion applicators are sometimes used to apply lotion to areas of the body that are difficult to reach. One conventional lotion applicator (that is similar to the Steinberg et al. reference applied by the Examiner here) includes an applicator body with an internal cavity and a permeable surface such as a sponge that is in fluid communication with the cavity. A handle extends from and/or is integrated with the applicator body. In use, a user fills the internal cavity of the lotion applicator with lotion. The permeable surface absorbs and/or wicks the lotion to an outer surface thereof. Using the handle, the user moves the permeable surface of the applicator along areas that are to be treated.

When the user wants to use a different type of lotion, however, the user must empty the cavity and clean the permeable surface. Even when the lotion remains the same, the lotion absorbed by the permeable surface may tend to dry and/or the permeable surface may begin to emit odors, become worn and/or grow mold, fungus, or bacteria.

Applicants described and claimed a lotion applicator with an ergonomically-shaped applicator body and disposable, lotion-impregnated sheets that can be attached to and removed from the body to allow easy cleaning and switching to different types of lotions. The applicator includes a handle to allow the user to reach portions of his or her body that are difficult to reach. Many of the problems associated with prior lotion applicators are resolved.

With respect to Claim 1, a lotion applicator includes an applicator body (element 10, FIGs. 1A-3, and 5-6, paragraphs [0021]-[0023]) and a handle (element 100, FIGs. 4A-4C, paragraphs [0026] – [0027]) that extends from the applicator body. A sheet (element 120, FIGs. 5-6, paragraphs [0028] – [0030]) is impregnated with lotion (paragraph [0029]). A fastener (element 18, FIGs. 1A-3, 5 and 6, paragraphs [0022]-[0025]) is associated with at least one selected from a group consisting of the lotion-impregnated sheet and the applicator body and removably attaches the lotion-impregnated sheet to the applicator body.

With respect to Claim 7, a lotion applicator includes an applicator body (element 10, FIGs. 1A-3, and 5-6, paragraphs [0021]-[0023]) and a handle (element 100, FIGs. 4A-4C, paragraphs [0026] – [0027]) that extends from the applicator body. A sheet (element 120, FIGs. 5-6, paragraphs [0028] – [0030]) is impregnated with lotion

(paragraph [0029]). The lotion includes at least one of bug spray, sunburn lotion, dry skin lotion, sunscreen, tanning lotion, pain relieving lotion, muscle relaxing lotion, acne medication, anti-itch lotion, self-tanning lotion, hair removal lotion, body hair bleaching agents, perfume, and topical medications. A fastener (element 18, FIGs. 1A-3, 5 and 6, paragraphs [0022]-[0025]) is associated with at least one selected from a group consisting of the lotion-impregnated sheet and the applicator body and removably attaches the lotion-impregnated sheet to the applicator body.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants seeks the Board's review of the rejection of Claims 1-13 under 35 U.S.C. § 103 as allegedly being anticipated by Steinberg et al. (U.S. Patent No. 6,981,293, hereinafter referred to as the Steinberg et al. patent) in view of Brower et al. (U.S. Patent No. 6,250,829, hereinafter referred to as the Brower et al. patent).

VII. ARGUMENTS

A. The Rejections

The Examiner rejected Claims 1-13 under 35 U.S.C. § 103 as allegedly being anticipated by Steinberg et al. in view of Brower et al..

The Examiner alleges that Steinberg et al. discloses a device for providing self-assisted hygienic activity to individuals having limited dexterity. The device includes an elongated body constructed of first and second telescoping portions and terminating at a first end in an ergonomically-configured handle. Various hygienic-related accessories are releasably secured to the other end of the elongated body. The accessory is

capable of being manipulated relative to the elongated body. The disclosed accessories include a sponge attachment, a lotion dispensing attachment, a disposable sheet attachment, a scrub brush attachment and a powder applicator attachment. See **Office Action** dated August 7, 2008 at pages 2-3.

The Examiner expressly admits that "Steinberg et al. does not disclose the use of a lotion impregnated sheet". See **Office Action** dated August 7, 2008 at page 3.

The Examiner relies on Brower et al. to disclose an applicator article for the application of lotion to a user's skin that is impregnated with fluid. The lotion may be a combination of sunscreen and insect repellent (abstract of Brower et al.).

The Examiner expressly admits that none of the applied references disclose the use of an applicator body including a top surface having an arcuate cross-section and a bottom surface having a substantially planar surface. The Examiner asserts that a reference is not required barring a showing by Applicants of criticality of the feature. See **Office Action** dated August 7, 2008 at page 3.

The Examiner argues that it would have been obvious to incorporate the lotion impregnated sheet of Brower et al. with the applicator of Steinberg et al.. See **Office Action** dated August 7, 2008 at page 3.

In the alternate, the Examiner alleges that the disposable sheet attachment in Steinberg et al. encompasses a lotion impregnated sheet since Steinberg et al. discloses the objective of the apparatus is to provide self assisting hygienic activity to individuals of limited dexterity. See **Office Action** dated August 7, 2008 at page 3.

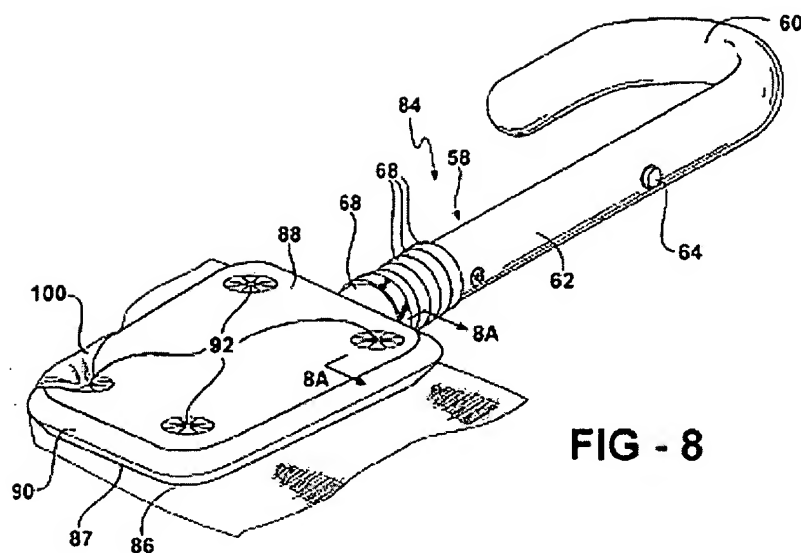
B. Claim Distinctions

1. Distinctions regarding independent Claims 1 and 7.

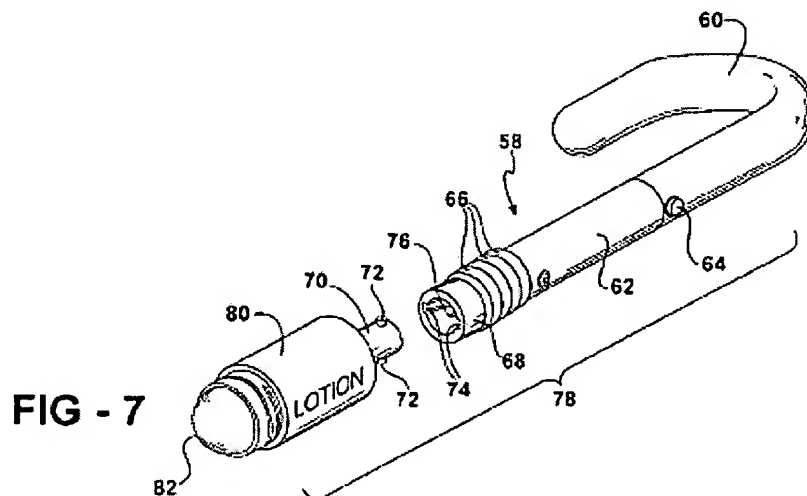
With respect to Claim 1, Steinberg et al. and Brower et al. do not at least show, teach or suggest a lotion applicator comprising a sheet that is impregnated with lotion and that is removably attached to a body.

Furthermore, Applicants respectfully assert that it would not be obvious to combine Steinberg et al. and Brower et al. since both Steinberg et al. and Brower et al. **teach away** from the claimed invention.

As best understood by Applicants, Steinberg et al. is directed to a device for cleansing and removal of debris from excretory and vaginal orifices and surrounding areas. Steinberg et al. teach a cleaning attachment that is relatively **flat** to allow insertion into the excretory and vaginal orifices. Disposable cleaning sheets are attached to the flat cleaning attachment and are used **exclusively for cleaning**. In FIG. 8 and the corresponding description, Steinberg et al. refer to a “disposable sheet” that can be attached to a body. (Steinberg et al. at Column 3, line 20). The disposable sheet is used for cleaning and removal of debris – not applying lotion. It is undisputed that **there is no teaching or suggestion anywhere in Steinberg et al. that the disposable sheet is impregnated with lotion.**



When cleaning is finished, Steinberg et al. **remove** the cleaning attachment and attaches a roller applicator as shown in FIG. 7 to apply lotion. The lotion is applied using the refillable roller applicator.



While Steinberg et al. refer to the impregnation of the handle or body with antibacterial material (Steinberg et al., Col. 2, line 29), this is not the same as or similar to the impregnation of disposable sheets with lotion. While the body or handle may

include antibacterial material, the disposable sheets are not impregnated with antibacterial material. Furthermore, antibacterial material is not lotion.

By expressly teaching the use of the refillable roller applicator for lotion application, Steinberg et al. expressly teach away from using disposable sheets impregnated with lotion. When one of the applied references teaches away from making a particular combination of known elements, the combination is likely to be non-obvious. *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727 (2007).

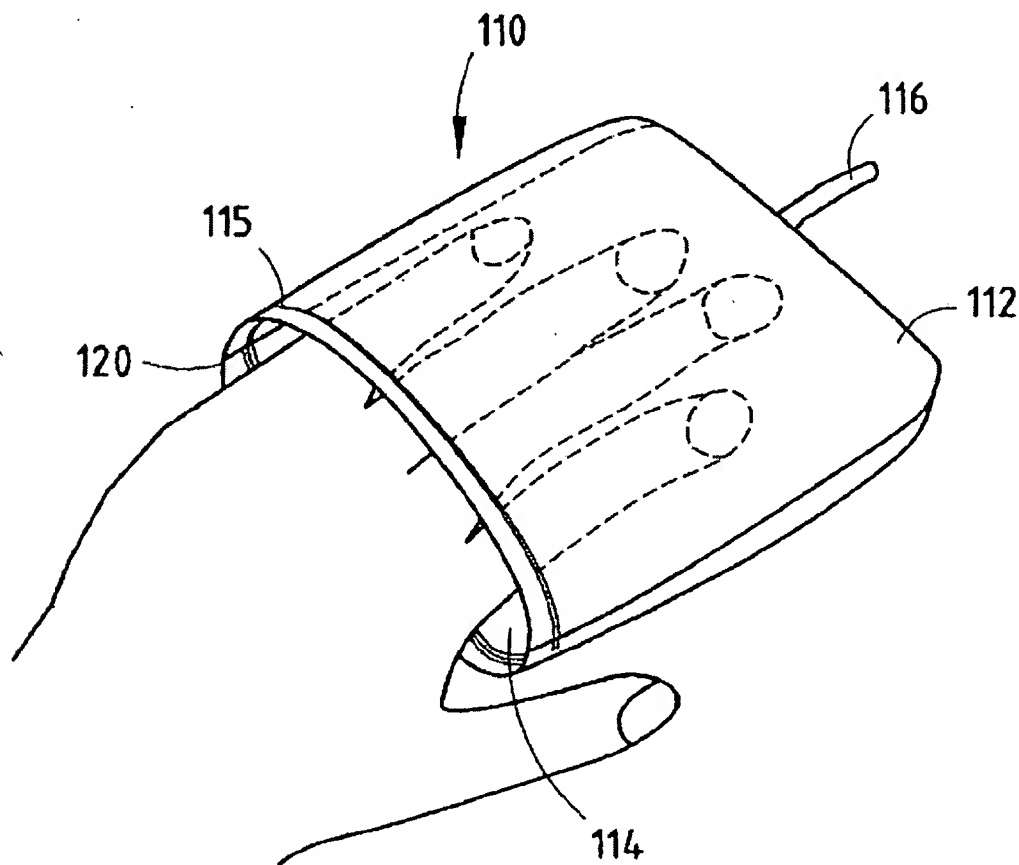
Furthermore, the roller applicator of Steinberg et al. has many of the disadvantages of the prior art that were discussed in paragraphs [0005]-[0006] of Applicants disclosure. For example, the lotion in the refillable roller applicator tends to dry when not in use, which tends to clog the device. Changing the type of lotion in the applicator requires removal, cleaning, refilling and re-attachment, which can be time consuming. This approach is wasteful since it may require throwing away the lotion in the applicator before cleaning and adding a different lotion. The claimed lotion-impregnated disposable sheets lack these disadvantages.

Additional problems may arise by using the proposed refillable roller applicator in Steinberg et al. A head of the roller applicator is arranged in a direction that is parallel to the handle. Therefore, it would be difficult to orient the roller applicator correctly to apply lotion to a person's back. The roller would simply not be in a suitable orientation without requiring a person's arm to be contorted at a very awkward angle.

Therefore, Steinberg et al. teach away from the use of lotion-impregnated disposable sheets for applying lotion. As a result, it would not be obvious to combine

Steinberg et al. with another reference to reject Claim 1 since Steinberg et al. propose an inconsistent approach. See *KSR Int'l v. Teleflex Inc.*.

The lotion applicator of Brower et al. also teaches away from the claimed combination. Brower et al. is intended to be worn on a user's hand. Therefore using a body and handle is inconsistent with the express teachings of Brower et al. As such, it would be difficult to reach difficult areas such as a person's back. There is no teaching or suggestion in Brower et al. that the lotion applicator of Brower et al. can be attached to a handle and/or a body using a fastener as claimed by Applicants. Therefore, Brower et al. is unable to reach areas of the body such as the upper, lower and mid-back regions.



In the **Office Action** dated August 7, 2008 at page 4, the Examiner argues that Steinberg et al.'s use of a refillable roller does not rise to the level of a teaching away since "Steinberg et al. discloses the device may comprise removable disposable sheets". The sheets disclosed by Steinberg et al. are **not lotion-impregnated**, as admitted by the Examiner. The application of lotion in Steinberg et al. is accomplished by another device – one that has significant disadvantages when compared to the approach proposed by Applicants.

The Examiner's reliance upon MPEP §2123 is misplaced. See **Office Action** dated August 7, 2008 at page 4. This section states that examples and preferred embodiments do not constitute teaching away from a broader disclosure or non-preferred embodiments. There is simply **no disclosure** in Steinberg et al. with respect to application of lotion using lotion-impregnated disposable sheets. The only disclosure in Steinberg et al. with respect to lotion involves the use of a roller attachment – which is inconsistent with the efficient, lotion-impregnated sheet approach set forth by Applicants.

Furthermore, Brower et al. emphasize portability of the device. In other words, Brower et al. was designed to be small so that it can be easily carried. Therefore it is inconsistent to suggest that it would be obvious for one skilled in the art to combine the Brower et al. device with the more cumbersome arrangement described in Steinberg et al. since this would conflict with the express teachings of Brower et al.

Even if the Examiner incorrectly concludes that the teachings of Steinberg et al. or Brower et al. do not rise to the level of teaching away, the proposed combination is improper for other reasons. Applicants respectfully assert that the Examiner has

misapplied these references and used incorrect hindsight in making the proposed combination. A reference must be considered for all that it teaches including disclosures that point towards the invention and disclosures that teach away from the invention. In re Dow, 5 USPQ.2d 1529 (Fed. Cir. 1988). Steinberg et al. use a refillable lotion applicator attachment and not lotion-impregnated disposable sheets for applying lotion. Brower et al. do not disclose attaching the lotion applicator described therein to a body or a handle – and stresses the portability of the device. It is improper to take teachings in the prior art out of context and give them meanings that they would not have to those skilled in the art. In re Wright, 9 USPQ.2d 1649 (Fed. Cir. 1989). It is impermissible to pick and choose from a reference on so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what the reference fairly teaches to one skilled in the art. Bausch & Lomb, Inc. v. Barnes-Hind, Inc., 230 USPQ 416 (Fed. Circ. 1986). Applicants have pointed out significant flaws in the Examiner's proposed combination based on other inconsistent teachings of the applied references. Therefore, Applicants respectfully assert that the proposed combination is improper for at least these reasons.

Claim 1 is allowable over Steinberg et al. and Brower et al. for at least these reasons. Claim 7 is allowable over Steinberg et al. and Brower et al. for at least similar reasons as Claim 1. Claims 2-6 and 12 and 8-11 and 13 are dependent on Claims 1 and 7, respectively, and are allowable for at least similar reasons.

2. Dependent Claims 6, 11, 12 and 13.

Applicants respectfully assert that the Examiner is not entitled to ignore limitations of the claims. The Examiner incorrectly states that "Applicants is reminded

that where the general conditions of the claims are met, burden is shifted to the Applicants to provide a patentable distinction". Applicants respectfully requested that the Examiner provide legal support for this incorrect statement of law.

In the Final Rejection, the Examiner finally provided the alleged basis for this incorrect statement of law. See **Office Action** dated August 7, 2008 at page 5. The Examiner relies upon MPEP §2144 IV section B for the proposition that barring a showing of criticality of a claim limitation, the Examiner has no obligation to find the particular limitation in the prior art. Applicants are unable to find **section B** in MPEP §2144 IV. MPEP §2144 IV states that it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by Applicants. This section does not support the Examiner's legal position at all.

Even assuming for the sake of argument that the Examiner's legal position is correct, Applicants rebutted the Examiner's incorrect legal assertion in the last response and therefore the burden has shifted back to the Examiner to show all of the limitations of Claim 6 and other claims in this application. It is a longstanding rule that to establish a prima facie case of obviousness of a claimed invention, **all of the claim limitations** must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03. Furthermore, when evaluating claims for obviousness under 35 U.S.C. §103, all of the limitations must be considered and given weight. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), MPEP § 2144.03.

At least with respect to Claim 6, Applicants rebutted the Examiner's unsupported legal position and pointed out patentable distinctions. In particular, Steinberg et al. fail to show, teach or suggest the applicator body includes a top surface having an arcuate

cross section and a bottom surface having a substantially planar surface. Brower et al. is silent on this issue since Brower et al. does not disclose a body and supports the lotion applicator with a user's hand.

Since Steinberg et al. is directed to a device for cleaning and removal of debris from excretory and vaginal orifices and surrounding areas, Steinberg et al. discloses planar top and bottom surfaces that are **parallel**. This relatively flat, parallel-wall design would appear to allow the device of Steinberg et al. to be positioned in these tight locations. In other words, the shape of the body in Steinberg et al. is more anatomically correct for removal of debris from these locations (excretory and vaginal orifices and surrounding areas). The shape of the body recited in Claim 6 would not work.

The arcuate cross section of Applicants' lotion applicator provides an anatomically correct profile for Applicants' intended use. For example only, the arcuate cross section of Applicants' lotion applicator enables the user to evenly apply a topical lotion to the curves and contours of the shoulder and back areas (but not limited to these areas). These areas have curved profiles. Therefore, the flat profile disclosed in Steinberg et al. would not work nearly as well when applying lotion.

Furthermore, the flat attachment device and disposable sheets of Steinberg et al. **are not used** to apply lotion as in Applicants invention. Rather, the roller applicator in Steinberg et al. is used to apply lotion.

Therefore, Claim 6 is allowable for at least these reasons. Claims 11, 12 and 13 are allowable for at least similar reasons as Claim 6.

3. Dependent Claims 2-5 and 8-13.

With regard to claims 2-5 and 8-13, these claims are allowable for at least the reasons previously presented with regard to claims 1 and 7, respectively. Accordingly, it is respectfully requested that the rejection of claims 2-5 and 8-13 be overturned.

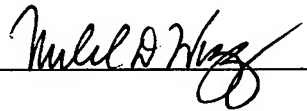
VIII. CONCLUSION

Appellants respectfully request the Honorable Board of Patent Appeals and Interferences to reverse the Examiner's rejection of each of pending claims 1-13. Appellants respectfully submits that the prior art does not teach or suggest one or more limitations of the claims as discussed above, and the Examiner has made a sufficient showing to support the proposed combination of references. Accordingly, for at least the aforementioned reasons, Appellants respectfully requests the Honorable members of the Board of Patent Appeals and Interferences to reverse the outstanding rejections in connection with the present application and permit each of claims 1-13 to be passed to allowance in connection with the present application.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael D. Wiggins, Reg.

No. 34,754 at the telephone number of the undersigned below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

By: 
Michael D. Wiggins
Reg. No. 34,754

Please address all correspondence to:

**Michael D. Wiggins
950 Harmon St.
Birmingham, MI 48009
Tel. No. (248) 641-1211**

IX. APPENDIX A**CLAIMS APPENDED**

This is a complete and current listing of the claims.

1. (Previously Presented) A lotion applicator for applying lotion to a body of a person, comprising:

an applicator body;

a handle that extends from said applicator body;

a sheet that is impregnated with lotion; and

a fastener that is associated with at least one selected from a group consisting of said lotion-impregnated sheet and said applicator body and that removably attaches said lotion-impregnated sheet to said applicator body.

2. (Original) The lotion applicator of Claim 1 wherein said lotion that is impregnated in said lotion-impregnated sheet is at least one of bug spray, sunburn lotion, dry skin lotion, sunscreen, tanning lotion, pain relieving lotion, muscle relaxing lotion, acne medication, anti-itch lotion, self-tanning lotion, hair removal lotion, body hair bleaching agents, perfume, and topical medications.

3. (Original) The lotion applicator of Claim 1 wherein said fastener includes a flexible member that is received in a hole in said applicator body and that includes at least two radially inwardly projecting, flexible members that engage said lotion-impregnated sheet.

4. (Original) The lotion applicator of Claim 1 wherein said handle and said applicator body are integrated.

5. (Original) The lotion applicator of Claim 1 wherein said handle includes a first connector and said applicator body includes an end portion with a second connector and wherein said first connector mates with said second connector to attach said handle to said applicator body.

6. (Previously Presented) The lotion applicator of Claim 1 wherein said applicator body includes a top surface having an arcuate cross section and a bottom surface having a planar surface.

7. (Previously Presented) A lotion applicator for applying lotion to a body of a person, comprising:

an applicator body;

a handle that extends from said applicator body;

a sheet that is impregnated with lotion, wherein said lotion that is impregnated in said lotion-impregnated sheet includes at least one of bug spray, sunburn lotion, dry skin lotion, sunscreen, tanning lotion, pain relieving lotion, muscle relaxing lotion, acne medication, anti-itch lotion, self-tanning lotion, hair removal lotion, body hair bleaching agents, perfume, and topical medications; and

a fastener that is associated with at least one selected from a group consisting of said lotion-impregnated sheet and said applicator body and that removably attaches said lotion-impregnated sheet to said applicator body.

8. (Original) The lotion applicator of Claim 7 wherein said fastener includes a flexible member that is received in a hole in said applicator body and that includes at least two radially inwardly projecting, flexible members that engage said lotion-impregnated sheet.

9. (Original) The lotion applicator of Claim 7 wherein said handle and said applicator body are integrated.

10. (Original) The lotion applicator of Claim 7 wherein said handle includes a first connector and said applicator body includes an end portion with a second connector and wherein said first connector mates with said second connector to attach said handle to said applicator body.

11. (Previously Presented) The lotion applicator of Claim 7 wherein said applicator body includes a top surface having an arcuate cross section and a bottom surface having a planar surface.

12. (Previously Presented) The lotion applicator of Claim 1 wherein said applicator body includes a surface having an arcuate cross section, wherein said sheet

is attached to said surface and wherein said surface and said sheet contact a body of a user during use.

13. (Previously Presented) The lotion applicator of Claim 7 wherein said applicator body includes a surface having an arcuate cross section, wherein said sheet is attached to said surface and wherein said surface and said sheet contact a body of a user during use.

X. APPENDIX B

EVIDENCE APPENDED

There is no evidence that is attached.

XI. APPENDIX C

RELATED PROCEEDINGS APPENDED

There are no related proceedings.